

NATIONAL REGISTERED AGENTS, INC.

SERVICE OF PROCESS SUMMARY TRANSMITTAL FORM

To: SHANA RYAN
EBAY INC.
2145 HAMILTON AVE.
SAN JOSE, CA 95125

SOP Transmittal # **OR27596**

(800) 767-1553 - Telephone
(609) 716-0820 - Fax

Entity Served: PAYPAL, INC.

Enclosed herewith are legal documents received on behalf of the above captioned entity by National Registered Agents, Inc. or its Affiliate in the State of **OREGON** on this **12** day of **October**, **2009**. The following is a summary of the document(s) received:

1. **Title of Action:** TERRY L. BEARD, DBA THEBIGDAY.COM, AND THE BIG DAY LLC, AN OREGON LIMITED LIABILITY COMPANY, VS. PAYPAL, INC., A DELAWARE CORPORATION
2. **Document(s) served:** Summons/Citation/Third Party Summons, Complaint/Petition/Third Party Complaint
Other: PROOF OF SERVICE; COMPLAINT (CONVERSION, UNJUST ENRICHMENT, DECLARATORY JUDGMENT AND BREACH OF CONTRACT)
3. **Court of Jurisdiction/** CIRCUIT COURT OF OREGON COUNTY OF MULTNOMAH
Case & Docket Number: 0910-14260
4. **Amount Claimed, if any:** \$316148.44
5. **Method of Service** (select one):
 Personally served by: Process Server Deputy Sheriff U. S Marshall
 Delivered Via: Certified Mail Regular Mail Facsimile
(Envelopes enclosed) (Envelope unsealed)
 Other (Explain):
6. **Date and Time of Receipt:** 10/12/2009 6:28:36 PM EST (GMT -5)
7. **Appearance/Answer Date:** 30 Days *10/11/09*
8. **Received From:** DANIEL H. SKERRITT
(Name, Address & Telephone Number)
TONKON TORP LLP
1600 PIONEER TOWER
888 S.W. FIFTH AVENUE
PORTLAND, OR 97204
503-802-2024
9. **Federal Express Airbill #** 791508697339
10. **Call Made to:** Not required
11. **Special Comments:**

NATIONAL REGISTERED AGENTS, INC.

Copies To:

Transmitted by Debbie Brouse

The information contained in this Summary Transmittal Form is provided by National Registered Agents, Inc. for informational purposes only and should not be considered a legal opinion. It is the responsibility of the parties receiving this form to review the legal documents forwarded and to take appropriate action.

ORIGINAL

CIRCUIT COURT OF OREGON
COUNTY OF MULTNOMAH

TERRY L. BEARD, dba TheBigDay.com, and THE)
BIG DAY LLC, an Oregon limited liability)
company.,) Case No. 0910-14260
Plaintiffs,)
)
v.)
)
PAYPAL, INC., a Delaware corporation,)
Defendant.)
)

SUMMONS

TO: PAYPAL, INC.
C/O NATIONAL REGISTERED AGENTS, INC.
3533 FAIRVIEW INDUSTRIAL DR SE
SALEM, OR 97302

You are hereby required to appear and defend the complaint filed against you in the above-entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, plaintiff will apply to the court for the relief demanded in the complaint.

**NOTICE TO THE DEFENDANT: READ THESE PAPERS
CAREFULLY!**

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof of service on the plaintiff.

If you have questions, you should see an attorney immediately. If you need help in finding an attorney, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636.

/s/Daniel H. Skerritt
Signature of Attorney for Plaintiff

Daniel H. Skerritt, OSB No. 681519
Direct Telephone: 503.802.2024
Direct Facsimile: 503.972.3724
E-mail: dan.skerritt@tonkon.com
Tonkon Torp LLP
1600 Pioneer Tower
888 S.W. Fifth Avenue
Portland, OR 97204

Attorneys for Plaintiffs Terry L. Beard and The
Big Day LLC

TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby directed to serve true copies of the summons, together with true copies of the complaint mentioned therein, upon the individual(s) or other legal entity(ies) to whom or which this summons is directed, and to make your proof of service on the attached proof of service form or upon a separate similar document which you shall attach hereto.

Daniel H. Skerritt

Attorney of Record for Plaintiff

TONKON TORP LLP
888 SW Fifth Avenue, Suite 1600
Portland, Oregon 97204
503-221-1440

PROOF OF SERVICE

STATE OF OREGON)
County of _____) ss.

I hereby certify that I made service of the foregoing summons upon the individuals and other legal entities to be served, named below, by delivering or leaving true copies of the summons and the complaint mentioned therein, certified to be such by the attorney for the plaintiff, as follows:

Personal Service Upon Individual(s)

Upon _____, by delivering such true copies to him/her, personally and in person, at _____, on _____, at _____ o'clock m.

Substituted Service Upon Individual(s)*

Upon _____, by delivering such true copies at his/her dwelling house or usual place of abode, to-wit: _____ to _____, who is a person over the age of 14 years and a member of the household of the person served on _____, at _____ o'clock m.

Office Service Upon Individual(s)*

Upon _____, at the office which he/she maintains for the conduct of business at _____, by leaving such true copies with _____, the person who is apparently in charge, on _____, during normal working hours, at to-wit: _____ o'clock m.

Mail Service Upon Individual(s)**

Upon _____, by mailing such true copies to him/her by first class mail and ALSO by certified, registered, or express mail with return receipt requested.

Service on Corporations, Limited Partnerships or Unincorporated Associations Subject to Suit Under a Common Name

Upon _____, by:

(Name of corporation, limited partnership, etc.)

(a) delivering such true copies, personally and in person, to _____ who is a/the _____ (specify registered agent, officer (by title), director, general partner, managing agent, etc.) thereof; OR
(b) leaving such true copies with _____, the person who is apparently in charge of the office of _____, who is a/the _____ (specify registered agent, officer (by title), director, general partners, managing agent, etc.) thereof; at _____ on _____, at _____ o'clock m.

DATED: _____

By _____ Sheriff _____
Deputy _____

I further certify that I am a competent person 18 years of age or older and a resident of the state of service or the State of Oregon, and that I am not a party to nor an officer, director or employee of, nor attorney for any party, corporate or otherwise; that the person, firm or corporation served by me is the identical person, firm or corporation named in the action.

Dated: _____

Signature _____

Type or Print Name _____

Address _____

City _____ State _____ Zip _____ Phone _____

The signature lines on the left should be used only by an Oregon county sheriff or deputy. All other servers should complete the certification on the right. The Proof of Service above contains most, but not all, of the permissible methods of service. For example, this form does not include proof of service upon a minor or incompetent person. See ORCP 7 D for permissible service methods with respect to particular parties.

*Where substituted or office service is used, the plaintiff, as soon as reasonably possible, shall cause to be mailed, by first class mail, true copies of the summons and the complaint to the defendants at defendants' dwelling house or usual place of abode, together with a statement of the date, time and place at which such service was made. Use S-N Form No. 1149, Notice of Substituted or Office Service, or the equivalent.

**Service by mail may be made when required or allowed by ORCP 7 or by statute, except as otherwise permitted. Failure to serve a summons in accordance with ORCP 7 and other applicable rules and statutes may affect or nullify the validity of such service.

TONKON TORP LLP

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Portland, Oregon 97204
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